

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

THE GIVING BACK FUND, INC.

Plaintiff

v.

MARK STEVERSON, RUDOLPH & BEER,
LLP., LAURENCE H. RUDOLPH and
CORINA BIGGAR

Defendants

CIVIL ACTION NO. 02-CV-104446 RWZ

ORAL ARGUMENT REQUESTED

**DEFENDANTS, MARK STEVERSON, RUDOLPH & BEER, LLP, LAURENCE H.
RUDOLPH AND CORINA BIGGAR'S, MOTION TO FILE A REPLY BRIEF**

Pursuant to the applicable Federal Rules of Civil Procedure, Rule 7.1(B)(3) of the Local Rules of the United States District Court for the District of Massachusetts and the Court's inherent power to regulate matters before it, the Defendants Mark Stevenson, Rudolph & Beer, LLP, Laurence H. Rudolph and Corina Biggar, by their attorneys, Peabody & Arnold LLP, hereby move for leave to file a Reply Brief in further support of their motion to dismiss the Complaint.

As grounds for this motion, the Defendants state that the Plaintiff, in its thirty-plus page opposition to the motion to dismiss, raises new and additional issues and misstates the current state of the law concerning personal jurisdiction. This reply is directed solely to new issues raised therein and attempts to provide the Court with a proper analysis of the current state of the law.

Accordingly, the Defendants will not repeat arguments already contained in their original moving papers. Instead, the Defendants will limit their reply to highlighting the false and unsupported assertions contained in Plaintiffs Opposition and to those areas of law where the Plaintiff has simply misread, misunderstood or failed to recognize controlling precedent.

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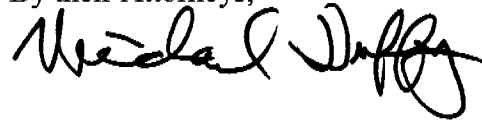
Allowance of this motion is essential to the interest of justice and in assisting this Court in understanding why Defendants' Motion to Dismiss should be allowed.

WHEREFORE, the Defendants Mark Steverson, Rudolph & Beer, LLP, Laurence H. Rudolph and Corina Biggar respectfully request that the Court grant their Motion For Leave to File A Reply Brief.

Respectfully submitted:

MARK STEVERSON, RUDOLPH & BEER, LLP,
LAURENCE H. RUDOLPH and
CORINA BIGGAR,

By their Attorneys,



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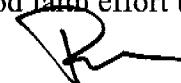


Barry J. Brett, *Pro Hac Vice*
Michael D. Friedman, *Pro Hac Vice*
Jenkins & Gilchrist Parker Chapin LLP
405 Lexington Avenue
New York, NY 10174
(212) 704-6000

Dated: May 17, 2002

LR. 7.1(A)(2) CERTIFICATION

I certify that counsel have conferred in a good faith effort to resolve or narrow the issues.



Paul T. Muniz

CERTIFICATE OF SERVICE

I hereby certify that I mailed a true and accurate copy of the within to David S. Rosenthal, Hutchins, Wheeler & Dittmar, 101 Federal Street, Boston, Massachusetts 02110, attorney of record for the plaintiff.

Dated: May 17, 2002

A handwritten signature in black ink, appearing to be 'P. Muniz', written over a horizontal line.

Paul T. Muniz

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